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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 14

4843

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Aracelis Ramos

Plaintiff,

COMPLAINT

v.

Gutman, Mintz, Baker & Sonnenfeldt P.C.

WEXI FR. J.

Defendant.

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INTRODUCTION **TOMLINSON, M.J.**

1. Plaintiff brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Gutman, Mintz, Baker & Sonnenfeldt P.C. ("Gutman"). Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

2. The FDCPA's Section entitled "Congressional findings and declaration of purpose" states:

(a) Abusive practices. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA).

4. Venue and personal jurisdiction in this District are proper because Defendant does business within this district and the activities giving rise to this action occurred within this district.

PARTIES

5. Defendant has an address of 813 JERICHO TPKE in NEW HYDE PARK, NEW YORK, 11040.

6. Plaintiff is a resident of the state of California and as it relates to this action is a "consumer" as defined by the FDCPA.

FACTS

7. In 2006, Hunts Point I Associates represented by the Defendant sued Plaintiff in the Civil Court for the City of New York County of Bronx with index number 99338/06.

8. Plaintiff was not served with the Complaint and did not know about the Complaint as she was living in Puerto Rico at the time. Service was attempted in Bronx.

9. The Complaint was seeking rent for the months of March 2003 through July 2003 at 717-719 Coster St. Apt. 2D.

10. However prior to the lawsuit, Plaintiff was completely released from all claims relating to her tenancy at 717-719 Coster St. Apt. 2D pursuant to an agreement reached in Landlord Tenant Court in the Brobx with an index number of 13920/02

11. As Plaintiff did not know about the lawsuit because she wasn't served, Hunts Point I Associates won a default judgment.

12. On or about March 12th, 2014, Defendant restrained plaintiff's bank account even though it knew or should have known that the restraint was the result of a judgment that should never have been entered.

13. Plaintiff was forced to hire a lawyer in order to vacate the default judgment wrongly obtained against her.

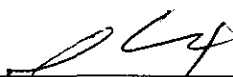
14. Defendant's conduct violated the FDCPA Section 1692d, e or f.

WHEREFORE, the Court should enter judgment in favor of plaintiff and against the defendant for:

- (1) Actual damages and statutory damages from the defendant in an amount of \$1,000;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

Dated: July 29th, 2014

The Plaintiff

By: 

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